

**Remarks**

The present invention is a mobile terminal and a method of activating a terminal function. The present invention provides an improvement over the prior art permitting mobile terminal functions to be initiated by soft keys during an inactive mode of the key pad. In accordance with an embodiment of the invention, a mobile terminal 1 in accordance with the invention comprises: a controller 18, a keypad 2 comprising a plurality of keys including at least one soft key 8a and 8b coupled to the controller, the keypad being under control of the controller and having an active mode during which key inputs from the keys 7 activate mobile terminal functions and an inactive mode during which a first type of key input from the at least one soft key to the controller, which is considered to be a random or unintentional first type of soft key input as discussed in the Specification at the top of page 12, does not activate the mobile terminal functions; and wherein during the inactive mode, the controller is responsive to a second type of key input from the at least one soft key, which may be without limitation a single key stroke having a chosen duration to differentiate between the accidental or random first type of input from the soft keys or may be coded inputs from the at least one key that activates at least one mobile terminal function without return to the active mode. The invention provides benefits as described at the bottom of page 14 and the top of page 15 of the Specification.

Claims 1-2, 5, 7-8, 12-14, 16-17, 19-20, 24-26, 18 [28] -29, 31-32, 38-39, 41-42 and 44-45 stand rejected as being anticipated by USP 5,241,583 (Martensson). These grounds of rejection are traversed for the following reasons.

Independent claim 1 defines a mobile terminal, independent claim 13 defines a method of activating a terminal function, independent claim 25 defines a mobile terminal and independent claim 38 defines a method of activating a terminal function each of which recite *inter alia* "during the inactive mode, the controller is responsive

to a second type of key input from at least one soft key which activates at least one mobile terminal function without return to the active mode". This subject matter, contrary to the Examiner's stated reasoning, is not found in Martensson.

Specifically, the Examiner states with regard to claim 1, that column 5, lines 42-49 of Martensson teach the foregoing limitation.

However, in the first place the Martensson phone does not teach soft keys.

Specifically, column 4, lines 11-22 teach:

"the keypad 6 essentially comprises two main sets of keys, namely alpha-numeric keys 6a associated with alpha-numeric data especially for dialing telephone numbers, but also (optionally) for entering alpha-numeric data into the telephone memories, e.g., a subscriber number index; and a set of function keys for enabling various predetermined functions or operations 6b."

Is therefore seen that neither the keys 6a or 6b are properly construed to be soft keys which are understood by persons skilled in the art to not have a dedicated function. In this regard, the Examiner is referred to the bottom of page 1 of the Specification which describes soft keys as they are understood by a person of ordinary skill in the art as having multiple functionality for handling access to a menu structure which the keys of Martensson et al do not correspond to in view of the aforementioned reference to their enabling various predetermined functions or operations.

Moreover, the referenced portion of column 5 in lines 49 of Martensson teach as follows:

"if an incoming call is received by the telephone whilst the keyboard is enabled, the microprocessor responds by clearing the keyboard lock enable flag. The keyboard lock is thus automatically disabled, thereby permitting the user to answer the call (e.g., by pressing any button on the keypad) immediately and in the normal manner without first having to conduct the key-board unlocking routine (emphasis added)."

It is therefore seen that the automatic disabling of the keyboard lock is the consequence of a microprocessor responding to an incoming call which does not meet the limitation set forth in each of the independent claims that "the controller is

responsive to a second type of key input from at least one soft key which activates at least one mobile terminal function without return to the active mode (*emphasis added*).” In contrast in Martensson, the controller is responsive to a call which activates at least one mobile terminal function without return to the active mode but does not utilize an input from at least one soft key as claimed. Therefore, the subject matter of the independent claims is not anticipated. Moreover, dependent claims 2, 5, 7-8, 12, 14, 16-17, 19-20, 24, 26, 28-29, 31-32, 39, 41-42 and 44-45 are not anticipated by Martensson.

Moreover, there is no basis why a person of ordinary skill in the art would be led to modify the teachings of Martensson to utilize a soft key input to unlock the keyboard lock except by impermissible hindsight.

It should be noted that Martensson teaches away from the claimed subject matter in that the keyboard lock is set by actuating any two (2) keys in predetermined sequence, as for example described in column 4, lines 64-68 through column 5, lines 1-9, followed by the pressing of the same sequence of keys as described in column 5, lines 10-23.

Claims 3-4, 9-11, 15, 21-23, 27, 33-37, 40 and 46-52 stand rejected under 35 USC §103 as being unpatentable over Martensson. However, as discussed above with respect to the rejection of the claims on grounds of anticipation, Martensson teaches away from the subject matter of (1) the claims that were rejected on the grounds of anticipation and (2) the current claims which are rejected on grounds of obviousness by utilizing the microprocessor to unlock the keyboard when it detects the presence of an incoming call or the utilization of the same sequence of key inputs which were used to lock the keyboard to subsequently unlock it. Accordingly, it is submitted that the rejection of claims 3-4, 9-11, 15, 21-23, 27, 33-37, 40 and 46-

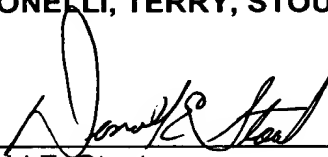
52 on grounds of obviousness over Martensson is erroneous and should be withdrawn.

Claims 6, 18, 30 and 43 stand rejected under 35 USC §103 as being unpatentable over Martensson in view of USP 6, 370, 362 (Hansen et al). Hansen et al has been cited for teaching a mobile terminal displaying another indicator as an icon with column 6, lines 62 through column 7, line 5 being relied upon. However, Hansen et al does not cure the deficiencies noted above with respect to Martensson.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Dep. Acct. No. 01-2135 (0173.40050X00), and please credit any excess fees to such deposit account.

Respectfully submitted,  
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